

### **Remarks**

The Applicants respectfully request reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below. Claims 1-48 are canceled and new claims 49-71 are added. Claims 49-71 are now pending. These claims include independent claims 49, 61, 65 and 66, which are each separately addressed below.

The rejections of the previously pending claims are moot in light of their cancellation. The Applicants, without prejudice or agreement with the Examiner, and in an effort to further prosecution, have addressed the rejections in light of the newly added claims. A number of the canceled claims were rejected under 35 U.S.C. § 102(e) in light U.S.P.N. 6,219,837 to Yeo and a number of the other canceled claims were rejected under 35 U.S.C. § 103(a) in light of the Yeo patent and U.S.P.N. 6,868,551 to Lawler. The discussion provided below is limited to the independent claims and the failure of the Yeo patent to disclose each element recited in those claims. The Lawler patent does not apply to these independent claims and is not discussed for that reason.

#### **Independent Claims 49 and 61**

Independent claims 49 and 61 respectively relate to a method and apparatus of selecting a channel during transmission of a program, and thereafter, upon request, providing a synopsis of the program from a beginning of the program transmission until the channel was selected. This allows the present invention to provide a synopsis of a program but only if it is requested.

In order to properly reject the claims under 35 U.S.C. § 102(e), the Yeo patent must disclose each element recited in the claim. The Yeo patent fails to disclose providing a synopsis upon request. Because the Yeo patent fails to wait for a request before providing a synopsis, the Applicants respectfully submit that the Yeo patent cannot properly anticipate the limitations recited in independent claims.

The Yeo patent embeds a number of summary frames within a television broadcast of a program. The embedded frames are automatically displayed when the program is selected. (See Figure 1 where the summary frames are referred to as reference numerals 20, 22 and 24 and the broadcast program is shown within screen 18.) The summary frames depict key scenes from the past which aid the viewer in quickly ascertaining the current plot or theme. The summary frames are selected from the video and embedded within the video prior to broadcasting. (Column 3, lines 20-30).

Independent claims 49 and 61 only display a synopsis upon request. As clearly shown in Figure 1, the Yeo patent automatically displays the summary frames 20, 22 and 24 without waiting for the frames to be requested. Because the Yeo patent provides the summary frames prior to being requested, the Applicants respectfully submit that the Yeo patent fails to properly anticipate each element recited in independent claims 49 and 61. Independent claims 49 and 61 and the claims that depend therefrom are patentable and nonobvious over the Yeo patent.

#### **Independent Claim 65**

Independent claim 65 relates to generating a synopsis of a program for a period of time occurring prior to selecting the program. The synopsis is not generated until it is requested and it is never generated unless requested. The Yeo patent embeds the summary frames 20, 22 and 24 within the broadcasted program. The summary frames must be generated prior to being requested since they are included with the broadcast. The failure of the Yeo patent to only generate a synopsis upon request renders independent claim 65 and the claims that depend therefrom patentable and nonobvious over the Yeo patent.

**Independent Claim 66**

Independent claim 66 relates to a system having a broadcasting element for broadcasting television programs over a number of channels. The system also includes a source for broadcasting synopses of the programs over a number of other channels. The source broadcasts the synopses on-demand when a channel having a synopsis is selected after transmission of the program has begun. The broadcast synopses summarize the program that was transmitted prior to selecting the channel. Independent claim 66 requires the synopses to be broadcasted over channels other than the channels carrying the television programs and only after the transmission of the corresponding program has begun.

The Yeo patent embeds the summary frames 20, 22, and 24 within the program broadcast, i.e., within the same channel as the program. The Yeo patent fails to broadcast the summary frames 20, 22 and 24 over a separate channel, let alone at a period of time after the corresponding television program begins broadcasting. Because the Yeo patent fails to disclose these limitations, the Applicants respectfully submit that independent claim 66 and the claims that depend therefrom are patentable and nonobvious over the Yeo patent.

**Conclusion**

In view of the foregoing, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass the case to issue and is invited to contact the undersigned if it would further prosecution of the case to issue.

Please charge the amount of \$120.00 to cover the Petition fee and any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,  
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